



The Salisbury Planning Board held its regular meeting Tuesday, January 12, 2010, in the City Council Chamber at Salisbury City Hall at 4:05 p.m. with the following being present and absent:

PRESENT: Mark Beymer, Robert Cockerl, Richard Huffman, Valarie Stewart, Albert Stout, Bill Wagoner and Diane Young

ABSENT: Karen Alexander and Tommy Hairston

STAFF: Dan Mikkelson, Preston Mitchell, Diana Moghrabi and David Phillips

This meeting was digitally recorded for *Access 16* television by Jason Parks.

Robert Cockerl called the meeting to order and offered an invocation. The Planning Board adopted the agenda as submitted. The minutes of the December 8, 2009, meeting were approved as submitted.

OLD BUSINESS

A. District Map Amendment

- Staff Presentation
- Board Discussion
- Statement of Consistency
- Recommendation to City Council

The Chair read the procedures for the Courtesy Hearing. Much of the following is taken directly from the staff report. The petition status changed just prior to today's meeting; Bruce Lanier (071-126) included himself in the rezoning petition for a total of six properties to be considered.

LDOZ-02-2010

Petitioner(s)	Keith Vines (PID 071-130) Teresa Barnes (PID 071-129) City of Salisbury (PID 071-128) (1906 E. Innes St., third party rezoning agent–Owned by a bank – property went into foreclosure about 2 years ago) Jeff Kline (PID 071-127) Linda Misenheimer (PID 071-125)
Owner(s)	Future Horizons, LLC
Address	1902, 1904, 1906, 1910, & Unnumbered East Innes St.
Tax Map - Parcel(s)	071-125, 071-127 thru 071-130

Location Located along the “north” side (true east) of East Innes Street just south of the Social Security Administration

Staff presented an onsite video recording of the properties. There are approximately 18,000 vehicles per day. These homes are mostly single-story ranch style.

LDOZ-02-2010: Request to amend the Land Development District Map by rezoning approximately 2.75 acres (5 parcels) along East Innes Street (US-52) from GENERAL RESIDENTIAL (GR-6) to RESIDENTIAL MIXED-USE (RMX)

Existing Zoning:

General Residential (GR-6) district **(6 dwelling units per acre maximum)**

The General Residential District is intended for City’s existing predominately residential neighborhoods as well as to provide for new primarily residential development in accordance with a suburban pattern. These Districts are differentiated only by the density of the overall development relative to the planning goals of the City as set forth in the Comprehensive Plan.

Proposed Zoning:

Residential

Mixed-Use (RMX) district

(18 dwelling units per acre maximum)

The Residential Mixed-Use District is intended to provide for areas for higher density residential development in close proximity (within ½ - ¼ mile) to existing and planned commercial centers such as the Corridor Mixed-Use District (CMX) and the Downtown Mixed Use District (DMX). The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles along with a limited mix of neighborhood-friendly uses are encouraged.

Vision 2020 Plan

Policy N-12:

Architecturally compatible, residentially scaled office and institutional development may be permitted to locate along the sides of neighborhood planning areas. Under specified conditions, this policy may be applied to the conversion of pre-existing residential properties located along major streets where, due largely to traffic exposure, homes have become unsuitable for residential occupancy. In such instances, adaptive reuse of existing residential structures shall be viewed more favorably than demolition and new construction.

Vision 2020 Plan: N-12

This policy is intended to address a situation that sometimes occurs when a formerly quiet rural or suburban roadway becomes, with increased urbanization, a well-traveled, perhaps multi-lane thoroughfare. When this happens, existing homes along the roadway are exposed to levels of traffic and noise that are no longer suitable for residential living.

Often, when this happens, one of two undesirable scenarios occurs:

Undesirable Scenario 1: Gradual downward spiral of property upkeep and property values

Undesirable Scenario 2: Transition to intensive commercial development

Residential structures along the roadway will eventually go from being primarily owner-occupied to being primarily renter-occupied. While some rental property owners will try to keep their property up, others will let it decline. The quality of renters will also decline, and the downward spiral will continue, further affecting the stability of residential property values along the roadway, and in the area at large.

Eventually, declines in the value and upkeep of these structures have a negative effect on both the perceived and real value and stability of homes along the roadway, as well as nearby homes off the roadway.

There is a much higher rate of owner-occupied homes than originally thought. (About 50%)
This does not take in consideration vacant lots.

Staff recommends RMX district based on appropriate uses; however, the following remain as concerns:

Density potential shift from 6 du/ac. to 18 du/ac. (200% increase)

No control over demolition and recombination of lots

No control over scale (massing & height)

Recommend either:

Rezoning properties to RMX, but table action until a Land Development Ordinance (LDO) text amendment can address density and scale issues in transitional areas.

or

Alternatively, the applicants go to an RMX and offer RMX-CD with conditions to control uses, scale, and demolition/rehabilitation.

Petitioners:

Teresa Barnes Houck, owner of 1904 East Innes Street, stated that the property is a rental property. She is only able to attract renters that cause problems for the rest of the neighborhood.

There are a number of wiring and plumbing problems with her property. This weekend a control panel caught fire. The age of the homes presents a number of security issues, too.

There is a safety concern for those cars backing out of driveways onto East Innes Street (Highway 52). This issue also contributes to the ruts in the yard.

The physical appearance of her property, as well as some of the other properties, is deteriorating. She and the other petitioners would like to change the appearance of this stretch. In its present condition, this is creating an unattractive appearance for the entrance of the eastern corridor. The way it is now is not how they (the petitioners) want it to stay.

Jeff Kline, owner of 1910 East Innes Street, stated that he had tried to rezone this property in 1992, but it was not approved by City Council.

His home is also a rental. In the 17 years he has owned the home, he has had between 12-14 renters. Salisbury Police and Fire Departments are often called to these properties.

His home was built around 1945 and has some water issues (water runs into the house).

The lots “sit down” which make it feasible to build more than one story.

The foreclosed house at 1906 East Innes Street is beyond fixing. (He does not have the money it would take to fix his own property.) The property has a mobile home in the back yard that should be demolished.

These properties could be combined for development; rezoning could potentially improve tax revenue for the city.

He has attended the area planning sessions and thinks this rezoning fits into that vision. Sidewalks have been installed for walk ability. It is close to a number of goods and services.

Linda Misenheimer owns a vacant lot at 0 East Innes Street next to Oak Street. She and her husband Ralph have owned the land for about 18 years. It has been in their family longer than that.

The RMX zoning is compatible due to the proximity of the Social Security Office and other buildings. This would be a forward move, ideal for the growth and development of the City of Salisbury.

The lack of opposition at this meeting is an indication that people are not opposed to this rezoning.

Those speaking in opposition: none

Those speaking in favor:

Linda Kline (Jeff Kline’s wife) owns property at 1910 East Innes Street. She is in favor of rezoning.

Board Discussion

Dick Huffman stated that he was generally in favor of this rezoning. He is, however, going to be consistent with his previous vote regarding a case on Faith Road. Since this is a part of a study area that includes the East Innes Street corridor, he would like to wait until the study is complete. He would prefer to deal with the properties as part of a whole. (Expeditious completion of the area plan is encouraged by the planning board.)

Mark Beymer agreed with Dick, and has taken the same position previously. He does have some concerns about the density issues and would favor RMX-CD.

Valerie Stewart understood waiting for the area plan to be completed. RMX-CD makes sense to her.

Albert Stout did not see any opposition present and believed this should move forward.

Dick Huffman made a MOTION and STATEMENT OF CONSISTENCY. "Planning Board finds and determines that case LDOZ-02-2010 is consistent with the goals, objectives and policies of the Vision 2020 Comprehensive Plan; however, the Planning Board recommends denial on the basis that the Faith Road Area Plan would cover all of these properties. Planning Board recommends the rezoning be dealt with as part of the whole Faith Road Area Plan." Bill Wagoner seconded the motion. Diane Young, Mark Beymer, Dick Huffman, and Bill Wagoner voted AYE. Albert Stout, Valerie Stewart, and Robert Cockerl voted NAY. (4-3) The MOTION carries.

Planning Board is eager to move the Faith Road Area Plan forward. Diane Young stated that it makes sense to her to take rezoning into consideration as they work forward on the Faith Road Area Plan. Nice to know it is cooking. (The Faith Road Area Plan would not be a document that rezones. It would be a policy document specific to the study area.)

This case will proceed to City Council February 2, 2010.

LDOZ-03-2010

Petitioner(s)	City of Salisbury
Tax Map - Parcel(s)	471-015, 471-017 thru 471-021, 471-050, 471-053, 471-064, 471-065, 471-069, 471-074, 471-077, 471-105
Location	Located at the "northwest" corner of Cedar Springs Road and South Main Street

LDOZ-03-2010: Request to amend the Land Development District Map by rezoning approximately 24.5 acres (14 parcels) at the corner of Cedar Springs Road & South Main Street from URBAN RESIDENTIAL (UR-12) & LIGHT INDUSTRIAL (LI) to CORRIDOR MIXED-USE (CMX)

Existing Zoning:

Urban Residential (UR-12) district (12 dwelling units per acre maximum)

The Urban Residential Districts accommodate the in-town neighborhoods of the City and provides for a variety of compatible housing types and a limited mix of uses in a walkable

context. These Districts are differentiated only by the density of the overall development relative to the planning goals of the City as set forth in the Land-Use Plan.

Light Industrial (LI) district (Dwelling units not permitted)

The Light Industrial District is coded to permit the development and operation of light and/or flex space uses that are typically too large in scale to fit within a neighborhood environment and should be buffered from surrounding neighborhood uses. Light Industrial districts may not be used for retail uses except for those uses clearly subordinate to any on-site principal use such as a sales showroom for a warehouse. In the interest of economic development this District is reserved for non-residential uses only to preserve adequate opportunities for future relocation and expansion of employment-based uses.

Proposed Zoning:

Corridor

Mixed-Use (CMX) district (No dwelling unit maximum)

The Corridor Mixed-Use District is coded to facilitate convenient access, minimize traffic congestion, and reduce the visual impact of auto-oriented uses along the City's major thoroughfares. Developments in this district should be traditionally detailed and encourage pedestrian use through connections to adjacent neighborhoods and the construction of vertically mixed-use buildings.

Vision 2020 Comprehensive Plan – Commercial Policies: Policy C-16; Policy C-17; Policy C-23:

This is corrective rezoning. It opens the corner for future development. It will bring homes and services into conformance with the code.

Staff recommends the CMX district to bring properties out of non-conforming status and to allow mixed-use. (Office/Commercial, Office/Residential, Commercial/Residential, etc.) This will help to grow this major intersection and serve surrounding industry, services, retail, and residential.

No one spoke in opposition.

Those speaking in favor:

Linda Franks, 230 Cedar Springs Road, has owned a brick home there since 1974. She did not realize that she was light commercial. She is in favor of the rezoning and is considering improvement to her property. **Davey Franks** of 250 Cedar Springs Road agreed.

Brenda Morgan, 4260 South Main Street, has owned Morgan's Carpet since 1993. They own five mobile homes right behind their business. She had staff answer some of her questions regarding what she could do with her property.

Board Discussion

Diane Young asked staff to explain how this could affect the transect. Staff explained the benefits of “pods” of commercial development.

Mark Beymer said he would support this rezoning – this is the right direction for this area.

Dick Huffman made the MOTION and STATEMENT OF CONSISTENCY. “We determine that LDOZ-03-2010 is consistent with the goals, objectives and policies of the Vision 2020 Comprehensive Plan and hereby recommend its approval.” Albert Stout seconded the motion with all members voting AYE. (7-0)

LDOZ-03-2010 will proceed to City Council February 2, 2010.

COMMITTEES

- A. Committee 3 Minutes of 12/16/2009 were provided as handouts.
- B. Committee 1 Minutes of 12/9/2009 were provided as handouts. The committee will meet January 20 at 3 p.m.
- C. Committee 2 Chair will be Dick Huffman and the Vice Chair will be Albert Stout. They will continue to work on the Bike Plan. The committee will seek local college input before looking at the plan intensively. Staff will set those meetings.

The next Planning Board meeting will be January 26, 2010.

There being no further business to come before the Planning Board the meeting was adjourned at 5:35 p.m.

Robert Cockerl, Chair

Diana Moghrabi, Secretary